

In The United States District Court
Eastern District Of Missouri

Charles Lee Thornton, Plaintiff

Cause No: 4:07CV0079-CDP

Vs.

City of Kirkwood, ET. AL., Defendants.

Serve:

Kirkwood: Office of the Mayor, 139 S. Kirkwood Rd., Kirkwood, Mo. 63122. All other defendants named in the body of this complaint, same address supra.

Amended to
Complaints Of Violations To Constitutional
Rights And Privileges

Plaintiff states:

1. Plaintiff, Charles Lee Thornton is a United States Citizen, 351 Attucks.

Street, Kirkwood Missouri, 63122.

2. Defendants:

(A) City of Kirkwood, is a Municipality in the Saint Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(B) That Defendant Mike Swoboda, was at all times relevant herein as the Mayor of the City of Kirkwood, in the St. Louis county of Missouri,

139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(C) That Defendant Connie Karr, was at all times relevant herein as a

Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(D) That Defendant Joe Godi, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(E) That Defendant Art McDonnell, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(F) That Defendant Mike Lynch, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(G) That Defendant Iggy Yuan, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(H) That Defendant Tim Griffin, was at all times relevant herein as a Council Member of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(I) That Defendant Mike Brown, was at all times relevant herein as the Chief Administrator of the City of Kirkwood, in the St. Louis County of

Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(J) That Defendant Jack Plummer, was at all times relevant herein as the Chief of Police of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(K) That Defendant John Hessel was at all times relevant herein as the City Attorney of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(L) That Defendant Lewis, Rice & Fingersh LC, was at all time relevant herein as the Law Firm of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

(M) That Defendant Ken Yost, was at all times relevant herein as the Public Works Director of the City of Kirkwood, in the St. Louis County of Missouri, 139 South Kirkwood Rd., Kirkwood Missouri, 63122.

3. Plaintiff, proceeding pursuant to FRCP Rule 15, 42 USCA 1985 and 42 USCA 1981, seeks acceptance of this Amended Complaint which matches the evidence and justice requires.

4. Matter Involves Content Speech Based Discrimination. Accordingly, this Court has jurisdiction pursuant to Amendment 1 U.S Constitution. Venue is proper under Rule 3—2 ,07(A)(1) Divisional Venue.

5. That Defendants City of Kirkwood, Mike Swoboda, Connie Karr, Joe Godi, Art McDonnell, Mike Lynch, Iggy Yuan, Tim Griffin, Mike Brown, Jack Plummer, John Hessel and Lewis, Rice & Fingersh, L.C., on May 18, 2006 during Public Hearing and June 15, 2006, during Public Comment, motivated by Malice joined or instigated to Willfully and Wrongfully, interrupt Plaintiff based solely on the content of Plaintiff's non law breaking speech, during 2 (two) City Meetings, forced to stop speaking, handcuffed and forcefully removed from the meetings and charged with Disorderly conduct. These actions were taken only after 5 (five) Seconds of speaking during a NO TIME LIMIT SPEAKING, Public Hearing section, and only after 3 (three) Seconds during a 3 (three) MINUTE TIME LIMIT, Public Comment section. On both occurrences, Plaintiff followed Proper Protocol and was called to present by the Mayor in charge.

6. These actions by the City of Kirkwood Officials have caused a Chilling effect on Plaintiff's free speech. The Right to Redress Grievances in addition, Plaintiff's Rights to Life, Liberty and the Pursuit of Happiness, in direct conflict with Plaintiff's US Constitution 1st Amendment Rights And Privileges which should not be violated by these City Officials.

7. By reason of Defendant's actions, Plaintiff has suffered and will continue to suffer extreme hardship and actual and impending irreparable Humiliation in his Character of a Positive community Role Model, which now stands destroyed, also causing Great Mental Anguish and Substantial Monetary loses, as extensive damages.
8. That Defendants, City of Kirkwood, Mike Swoboda, Connie Karr, Joe Godi, Art McDonnell, Mike Lynch, Iggy Yuan, Tim Griffin, Mike Brown, John Hessel, Lewis, Rice & Fingeresh L.C., and Ken Yost, in direct inclusion as their official capacity, joined or instigated the furtherance of damage in not settling with Plaintiff on the violations to Constitutional Rights and Privileges, commence May 17, 2001.
9. That Plaintiff proceeding pursuant to 42 USCA 1983, 1985 and 1981, Respectfully request judgment for relief Plaintiff believes he's entitle.
WHEREFORE, Plaintiff prays judgment for general compensatory damages of ONE MILLION DOLLARS (\$1,000,000.00) and of TEN THOUSAND DOLLARS (\$10,000.00), Punitive damages of ONE MILLION DOLLARS (\$1,000,000.00) and of TWELVE MILLION DOLLARS (\$12,000,000.00), and all court cost of suit be against

Defendants, jointly and severally, for relief is appropriate in the circumstances as Justice Requires.

Respectfully submitted,



Charles Lee Thornton
351 Attucks St.
Kirkwood, Mo. 63122
DATE:

VERIFICATION

I, Charles Lee Thornton, Plaintiff in the above-entitled action, being first duly sworn, state that I have read and subscribed to the foregoing complaint, and that the facts set forth therein are true and correct.



Charles Lee Thornton

Subscribed and sworn to before me on March 14, 2007


Signature and title Notary Public